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CHARTER AND BY-LAWS

OF THE

Massachusetts Horticultural Society

JANUARY 1, 1922

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CHARTER OF THE SOCIETY.

AN ACT TO INCORPORATE THE MASSACHUSETTS HORTICULTURAL SOCIETY.

SECTION 1. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Zebedee Cook, Jr., Robert L. Emmons, William Worthington, B. V. French, John B. Russell, J. R. Newhall, Cheever Newhall, and Thomas G. Fessenden, their Associates and Successors, be, and they hereby are incorporated, under the name, and by the description of the Massachusetts Horticultural Society, for the purpose of encouraging and improving the science and practice of horticulture, and promoting the amelioration of the various species of trees, fruits, plants and vegetables, and the introduction of new species and varieties; with power to make by-laws not inconsistent with the Laws of the Commonwealth, for the regulation of said society and the management of the same and of its concerns; to receive donations, bequests and devises, for promoting the objects of said society; to lay and collect assessments on the members not exceeding two dollars per annum; to enforce the payment of such assessments by action for the same; to purchase and hold real estate to the amount of ten thousand dollars, and personal estate to the amount of twenty thousand dollars; to elect a treasurer, secretary and other officers,—the appointment of which shall be provided for in the By-Laws of said society; the meeting for the election of such officers to be called at the times and in the manner provided in such By-Laws; to empower the president, directors, comptrollers, treasurer, committees, or other officers or members, or any attorneys, agents or representatives of said society, to transact the business, manage and apply the funds, discharge the functions, and promote the objects thereof; to authorize any of the members or officers

of said society to fill vacancies in the various offices of the same, that may happen in the intervals between the meetings of the members for choosing officers; and to commence and defend suits.

SECTION 2. *Be it further enacted*, That in case the said corporation shall, at any time, contract debts beyond their means and ability to pay at the time of contracting the same, the officers or other agents of said corporation, so contracting such debts, shall be personally liable for the same.

SECTION 3. *Be it further enacted*, That any member of said corporation may cease to be a member thereof, by giving notice to that effect to the president, treasurer, secretary, or other officers, and paying the amount due from him to the society.

SECTION 4. *Be it further enacted*, That the first meeting of the members of said corporation may be called by any two or more of the persons named in the first section, by giving one week's notice, or more, by advertisement in any newspaper printed in Boston.

SECTION 5. *Be it further enacted*, That this Act may be altered or repealed at the discretion of the Legislature.

Approved June 12, 1829.

The Acts in addition to this Act (other than those relating to Mount Auburn) are:—

1. An Act authorizing the purchase and holding of real estate to the amount of fifty thousand dollars, approved February 5, 1844.

2. An Act authorizing the purchase and holding of real estate to the amount of one hundred thousand dollars, approved April 25, 1853.

3. An Act authorizing the holding of real estate to the amount of two hundred and fifty thousand dollars, approved March 4, 1863.

4. An Act exempting from taxation such portions of real estate and buildings belonging to incorporated horticultural societies as are used for their offices, libraries and exhibitions, approved April 19, 1884.

5. An Act authorizing the holding of real and personal estate to an amount not exceeding one million dollars, approved May 2, 1895.

6. An Act authorizing the choosing of the Treasurer and Secretary in such manner and by such committees or other officers as the By-Laws may from time to time provide, approved February 28, 1905.

BY-LAWS
OF THE
MASSACHUSETTS HORTICULTURAL
SOCIETY.

SECTION I.

MEETINGS.

The annual meeting of the Society for the transaction of business and for the election of officers, namely, a President, two Vice-Presidents, and a Board of Trustees, shall be held on the second Saturday after the first Monday in November, and the officers elected shall enter upon their duties on the first day of January ensuing.

In addition to the annual meeting there shall be held a meeting on the second Monday in January in each year, to be called the inaugural meeting, at which the President shall make an inaugural address, and the Treasurer and Secretary, whose terms of office expired on January first preceding, the Board of Trustees, the Library Committee, the Committee on Lectures and Publications and every existing committee appointed by the Board of Trustees under the provisions of clause (7), Section VIII, of the By-Laws shall each make a report to the Society for the preceding year. No business except the hearing of such address and the acceptance or rejection of such reports shall be transacted at the inaugural meeting, unless mentioned in the call.

Special meetings of the Society may be called by order of the President, or by any five of the Board of Trustees, or upon request of fifteen members of the Society.

A notice of each meeting and of every adjourned meeting shall be mailed by the Secretary to each member at his last

address appearing on the records of the Secretary at least ten days prior to the meeting; and the notice of a special meeting shall specify the business to be considered at such meeting, which shall be proposed as provided in Section II., and no business other than that specified shall be transacted thereat, and no new business shall be transacted at any adjourned meeting.

Twenty members shall constitute a quorum at any meeting of the Society.

SECTION II.

POWERS RESERVED TO THE SOCIETY.

The Society may, except as herein provided, by vote of its members, at any annual meeting or special meeting called as provided by Section I., transact any business lawful under its Charter and By-Laws; may instruct the Trustees and other officers of the Society; and the vote of the Society shall supersede the action of any of its officers: provided, however, that acquired rights of third parties shall not be thereby impaired. No vote calling for any appropriation of money or any sale or conveyance of any of the Society's property shall be valid without the approval of the Board of Trustees, except that the Society may, by a vote of a majority of all its members, authorize such sale or conveyance of the real estate belonging to the Society without the approval of the Board of Trustees.

The Trustees or any five of them, or any fifteen members of the Society, may propose business to be considered at any special meeting, of which proposed business notice shall be given as provided in Section I. No sale of the Society's real estate, and no expenditure or contract therefor, amounting to more than \$5000 for any one purpose, shall, except as provided in the next paragraph of this section, be valid and binding on the Society unless authorized by vote of the Society.

The Trustees may appropriate a sum or sums amounting to more than \$5000 for the purpose of prizes and gratuities,

provided that there shall not be appropriated for the purpose of being expended in any one year, in addition to the income of the special prize funds of the Society, a sum or sums exceeding the amount of the general income of the Society for the preceding year applicable for such purpose as shown by the report of the Treasurer.

SECTION III.

OFFICERS.

The officers of the Society shall be a President, two Vice-Presidents, a Treasurer, a Secretary, and a Board of Trustees, consisting of the President, the Treasurer, two Vice-Presidents, all living ex-Presidents, and twelve members elected by the Society, and such other officers and committees as the Board of Trustees shall appoint, according to Section VIII; provided, however, that no person shall be eligible to any office unless he or she shall have been a member of the Society for two years preceding.

SECTION IV.

THE PRESIDENT.

The President shall be elected annually by the Society, and shall be *ex officio* a member of the Board of Trustees. His duties shall be to preside at the meetings of the Society and of the Board of Trustees; to preserve order; to state the business before the meeting; to state and put questions; and, in case of an equal division on any question, to give the casting vote; and to call for accounts and reports from all committees.

The President shall be *ex officio* a member of all committees except the Committee on Nominations, and he shall have the right to attend and be heard at all meetings of such committees, but at all such meetings, except in the case of the Executive and Finance Committees, he shall not vote except in the case of a tie.

SECTION V.

THE VICE-PRESIDENTS.

There shall be two Vice-Presidents, who shall be elected by the Society on alternate years, and shall serve two years. They shall be *ex officiis* members of the Board of Trustees and of the Executive Committee. In the absence or disability of the President, the Senior Vice-President shall exercise all the authority, privileges and powers of the President; and, in case neither the President nor either Vice-President shall be present at any meeting, the meeting shall choose a President *pro tempore*, who shall be invested with all the powers and authority of the President.

SECTION VI.

THE TREASURER.

The Treasurer shall be appointed annually by the Board of Trustees for a term of one year beginning on the first day of January ensuing and shall have the following powers and duties:

- (a) He shall have charge of the funds of the Society, and shall deposit the same in such bank or trust company as the Board of Trustees shall direct, where his account as Treasurer shall be kept; and all payments shall be made by check.
- (b) He shall attend to the renting of the Building and the collection of the rents and other income of the Society.
- (c) He shall pay prizes and gratuities upon the written order of the Board of Trustees or the chairman of any committee authorized by said Board to give such order, and shall pay no bills until audited by an officer designated by the Board of Trustees.
- (d) He shall have the care and custody of the seal of the Society and of the dies for the medals; and he shall cause

the medals to be struck and certificates of merit to be prepared, when required, and shall deliver them as awarded.

(e) He shall have in his safe keeping the bonds, deeds, notes, certificates of stock, and other evidences of property, unless the Board of Trustees shall otherwise direct.

(f) He shall, unless the Board of Trustees shall otherwise order, make all transfers and investments, with the consent and approval of the Board of Trustees.

(g) He shall pay the taxes, insurance, interest on loans, and other debts, and keep a correct account of the receipts and disbursements of the Society.

(h) He shall, in January of each year, send to every annual member a bill of the amount due from such member.

(i) He shall, as early in the year as possible, present to the Board of Trustees a full statement of receipts and expenditures for the preceding year. The fiscal year shall commence on the first day of January, and all assessments for the ensuing year shall be due at that time. He shall annually make a report to the society at the inaugural meeting at the close of his term of office.

(j) He shall give bond for the faithful performance of his duties in such sum and with such sureties as shall be approved by the Board of Trustees.

(k) He shall not make or issue any note or other negotiable instrument unless expressly authorized in each case so to do by the Board of Trustees who shall in each case in their vote containing such authorization provide that such note or other obligation shall not be valid or binding on the Society until countersigned by some person designated in such vote: provided, however, that he may be given authority by a general vote of the Board of Trustees to draw checks on the funds of the Society on deposit, as provided in Clause (a) of this Section VI.

He shall, in the discharge of all his duties, be subject to the control of the Board of Trustees.

In the absence or disability of the Treasurer, the Board of Trustees may appoint a temporary Treasurer who shall have all the powers and duties of the Treasurer.

SECTION VII.

THE SECRETARY.

The Secretary shall be appointed annually by the Board of Trustees for a term of one year beginning on the first day of January ensuing. He shall conduct the correspondence of the Society, and shall keep copies of the same which shall be open to the inspection of the members at any meeting. He shall receive and read all letters and papers addressed to the Society, and shall dispose of them as provided by the By-Laws or directed by the Society or by the Board of Trustees. He shall regularly record the proceedings at every meeting and every adjourned meeting of the Society in a book to be kept for that purpose, and the minutes as so recorded shall be presented for approval at the succeeding meeting. He shall call special meetings of the Society when ordered or requested, as provided in Section I.

He shall give notice to each person of his election to office or membership in the Society. He shall record the election of every member and report his name and residence to the Treasurer. He shall deliver to the Board of Trustees a copy of the proceedings of each meeting, and shall prepare and countersign all diplomas or certificates of membership.

He shall prepare for each annual election an alphabetical list of the members of the Society.

He shall, under the direction of the Committee on Lectures and Publications, act as editor of the publications of the Society, prepare them for the press, and superintend the printing thereof. He shall make notes, for publication, of meetings for discussion of horticultural subjects, and shall perform such other literary work as may be directed by the Society or the Board of Trustees, or as may not be otherwise provided for.

In the absence of the Secretary at any meeting the President or presiding officer shall appoint a Secretary *pro tempore*.

SECTION VIII.

BOARD OF TRUSTEES.

The Board of Trustees shall consist of the President, the Treasurer, two Vice-Presidents, all living ex-Presidents, and twelve members elected by the Society. Four members in addition to the President and one Vice-President shall be chosen each year and shall serve for the term of three years.

The Board of Trustees shall hold stated meetings on the second Mondays of January, March, May, June, September and October in each year. Special meetings of the Board may be called by the President or by a call signed by any two members of the Board on at least three days' notice, which shall be given by mail at the last address of the member so notified appearing on the records of the Secretary. This notice may be waived in writing. Seven members of the Board shall constitute a quorum thereof.

In the absence of action by the Society as provided in Section II., the Board of Trustees shall have and exercise the following powers and duties:—

(1) They shall have general charge and direction of the business of the Society.

(2) They shall have the care and management of the Society's real estate, and may lease the same, or any part thereof, and make all necessary repairs; but no sale of the Society's real estate, except sales of shares in real estate trusts, so called, held by the Society as part of its invested funds, shall be valid without a vote of the Society authorizing such sale.

(3) They shall have the care and management of the Society's invested funds and other personal property, with power to invest, reinvest, and transfer the same in their discretion, or they may authorize and approve transfers and investments made by the Treasurer, as provided in Section VI. They shall have the care of all stocks, bonds, and other personal property of the Society, but may leave the custody of the same

in the Treasurer, as provided in Section VI; and they shall annually or oftener cause to be audited by a certified public accountant, or other expert accountant, the Treasurer's books.

(4) They shall consider and pass upon all questions of the appropriation of money including the amounts to be appropriated for prizes and gratuities. Appropriations for prizes and gratuities may be made by them not more than three years in advance and they shall, at the annual meeting, report to the Society the amounts they have so appropriated for prizes and gratuities and also such other appropriations as they think meet for the ensuing year. They may, however, subject to the provisions of Section II, make such additional appropriations for the purposes of the Society as they deem proper.

(5) They shall appoint the following committees: a Library Committee, a Committee on Lectures and Publications, a Committee on Buildings, a Membership Committee, a Committee on Exhibitions, a Committee on Prizes, an Executive Committee, a Finance Committee, a Nominating Committee, a Committee on Gardens, a Committee on Children's Gardens, and a George Robert White Medal of Honor Committee.

(a) *The Library Committee*, consisting of two Trustees, shall, under the direction of the Trustees, have charge of the care, maintenance, extension and use of the Society's library and the employment and discharge of all employees connected therewith, except the Librarian.

(b) *The Committee on Lectures and Publications*, consisting of two Trustees, shall, under the direction of the Trustees, arrange for and direct such lectures and essays on horticultural and allied subjects as may seem to the Committee to be expedient, and which shall prepare or cause to be prepared, printed, published, issued and distributed, all bulletins, catalogues, pamphlets, reports, books and other publications of the Society, except the schedules and prize-lists for exhibitions.

(c) *The Committee on Buildings*, consisting of two Trustees, shall, under the direction of the Trustees, have charge of the care, maintenance, and use of all buildings and grounds of the Society and the employment and discharge of the janitor and

all other employees connected therewith (except the Librarian and employees connected with the library) and the leasing of parts of the building for lectures, exhibitions, meetings, entertainments, and other purposes.

(d) *The Membership Committee*, consisting of three Trustees, shall pass upon all proposals for life or annual membership, as provided in Section XIII.

(e) *The Committee on Exhibitions*, consisting of three Trustees and two other members of the Society, shall, under the direction of the Trustees, have full charge of the planning, arranging, and advertising of all the Society's exhibitions, the allotment of space thereat, the time when such exhibitions shall be held, the prizes and other awards to be made thereat, and the admission price, if any, thereto. It shall prepare, or cause to be prepared, printed, published, or distributed all schedules and prize-lists for such exhibitions. It shall arrange for such exhibitions, not more than three years in advance of the date when the same are to be held.

(f) *The Committee on Prizes*, consisting of three Trustees, shall have full charge of the preparation and maintenance of the rules and regulations of the Society for exhibitions and for awarding certificates, prizes, gratuities and medals. This Committee shall appoint the Committee on Fruits, the Committee on Vegetables, and the Committee on Plants and Flowers, and shall fill vacancies in the same. Each of such committees shall consist of at least three members of the Society who are not Trustees, and also of such experts as may, from time to time, be appointed by the Committee on Prizes to act with such committee. Such committees shall, under the general and specific direction of the Board of Trustees and in accordance with such rules and regulations, award all the certificates, prizes, gratuities and medals of the Society.

(g) *The Executive Committee*, consisting of the President, two Vice-Presidents and two other Trustees, in the intervals between the meetings of the Trustees and subject to the general and specific direction of the Society and of the Trustees, shall have charge of all the affairs of the Society.

(h) *The Finance Committee*, consisting of the President, the

Treasurer, and one other Trustee, shall, in the intervals between the meetings of the Trustees and subject to the general and specific direction of the Society and of the Trustees, have the care and management of the Society's funds and the power to sell, exchange, invest, reinvest and transfer the same, in their discretion.

(i) *The Nominating Committee*, consisting *ex officiis* of the four Trustees who still have more than one year but less than two years to serve as such Trustees, shall nominate candidates for all offices which are to be filled by election by the members of the Society, and shall file its nominations with the Secretary at least one month before the annual meeting. The Secretary shall, immediately on receiving such nominations, post the same in some public place in the Society's building.

Nominations for any office, which is to be filled by election by members of the Society, in addition to those made by the Nominating Committee, may be made by papers signed by fifteen or more members of the Society and deposited with the Secretary at least two weeks before the annual meeting. The Secretary shall, immediately on receiving such nominations, post the same in some public place in the Society's building.

The Secretary shall have the ballots printed under the direction of the Nominating Committee. Each ballot shall state the number to be elected for each office and the names of candidates for each office shall be printed in alphabetical order. If any ballot is marked for more than the required number, the ballot shall be declared void as a vote for that office for which the excessive number is marked. Only such candidates shall be voted for as shall have been nominated as above provided.

(j) *The Committee on Gardens*, consisting of two Trustees and one other member of the Society, shall make to the Board of Trustees such recommendations as it deems expedient for awards to be made for such private estates as may be reported to the Society as worthy of special award on account of the horticulture there displayed.

(k) *The Committee in Children's Gardens*, consisting of one Trustee and two other members of the Society, shall, subject to the other provisions of these By-Laws, have charge of all

matters of the Society relating to children's gardens and exhibitions of the products thereof.

(l) *The George Robert White Medal of Honor Committee*, consisting of three Trustees, shall recommend to the Board of Trustees awards for the George R. White gold medal.

(6) They shall appoint the Treasurer and Secretary of the Society, a Superintendent of the Building and a Librarian of the Society, and define their duties, except when these are determined by the By-Laws, and may remove them or any of them, and appoint others in their stead, whenever, in their opinion, the interests of the Society shall require it. They may employ such additional assistants as they deem best, and shall determine the compensation of all officers and agents of the Society.

(7) In addition to the Committees named, the Board of Trustees may appoint such additional committees as may be required for conducting special exhibitions and for awarding prizes, and may, in its discretion, appoint persons from outside the membership of the Society to act as judges to award prizes either alone or in conjunction with any committee; and the Board of Trustees may delegate appropriate powers to any of the appointed committees, excepting the power to appropriate money or to dispose of the property of the Society, and it may at any time revoke powers so delegated, and may at any time in its discretion remove any member of such committee and substitute any other in his place.

SECTION IX.

THE LIBRARIAN.

The Librarian shall have charge of all books, drawings, engravings, herbariums, and other articles appertaining to the Library, and shall attend to the purchase, recording, cataloguing, arranging, binding, delivering, and receiving of books: these duties to be performed under the direction of the Board of Trustees or other committee thereof duly au-

thorized or of the Library Committee. He shall, as far as possible, assist those desiring to use the Library in their investigations.

SECTION X.

THE SUPERINTENDENT OF THE BUILDING.

The Superintendent of the Building shall, under the general direction of the Trustees and the specific direction of the Committee on Buildings, have charge of Horticultural Hall and the premises connected therewith.

SECTION XI.

VACANCIES.

Whenever a vacancy occurs in any office of the Society, such vacancy shall be filled by the Board of Trustees until the next annual meeting, when candidates shall be nominated as provided by these By-Laws to fill the remaining term, if any, for which the vacancy exists.

SECTION XII.

VOTING.

All elections of the Society shall be by Australian ballot; and the polls shall be continuously open for a period of at least three hours on the day of the annual meeting.

The President or presiding officer shall appoint a committee of three to receive, assort, and count the votes given, and report the number. A plurality shall elect, and the President or presiding officer shall declare who are elected.

Voting by proxy shall not be allowed at any meeting.

SECTION XIII.

MEMBERSHIPS.

Any member may propose candidates for life or annual membership to the Membership Committee. Such proposal shall be in writing and shall be accompanied by a statement of the qualifications of such candidate for membership. On any candidate being so proposed, said committee shall cause the name of the candidate and the name of the proposer to be posted for at least two weeks in some public place in the Society's building. During said two weeks any member may file with the Secretary a written protest against the election of said candidate, and no candidate shall be eligible against whom ten or more such protests have been so filed. At the first meeting of the Membership Committee held after the expiration of the two weeks during which the name of the candidate has been so posted, the name shall be voted on by such committee; and the candidate shall be elected by a majority of the full number of such committee so voting. The candidate so elected shall qualify for membership within three months from the date when notice of such election is given him or her, or the election shall be void.

LIFE MEMBERS.

A payment of thirty dollars or such other sum as may be, from time to time, determined by the Board of Trustees, shall constitute a life membership, and exempt the member from all future assessments; and any annual member, having paid all dues, may become a life member by the payment of twenty dollars in addition thereto, and any annual member who has paid all dues for twenty-five or more years, may be made a life member by a majority vote of the full Board of Trustees without further payment.

ANNUAL MEMBERS.

Every annual member, before receiving a diploma or exercising the privileges of a member, shall pay the sum of ten dollars, or such other sum as may be, from time to time, determined by the Board of Trustees, as an admission fee, and shall be subject afterwards to an annual assessment of two dollars, excepting as provided in the preceding paragraph of this section.

PRIVILEGES.

Each member of the Society shall be entitled to the following privileges:—

1. To be present and vote at all the meetings of the Society.
2. To have personal access to the Library, and to consult any of the periodicals, books, or plates, or to examine any of the models belonging to the Society, under rules established by the Board of Trustees.
3. To have free admission to all the exhibitions of the Society, for such member and immediate family.
4. To receive all the publications of the Society under rules established by the Board of Trustees.

SECTION XIV.

WITHDRAWAL OR DISCONTINUANCE OR EXPULSION OF MEMBERS.

Any member may cease to be a member by giving written notice to that effect to the Secretary and paying the amount due from such member to the Society. Any member who shall neglect for the space of two years to pay the annual assessment, after due notice from the Treasurer, shall cease to be a member. The Treasurer shall give notice of such withdrawal or discontinuance to the Secretary, who shall erase such members' names from the list.

If any member shall dishonor the Society, or shall be guilty of any breach of good faith thereto, such member may be expelled at any meeting of the Society, two-thirds of the members present voting therefor. But no member shall be expelled unless a written notice of the motion be served by the Secretary upon such member personally, or given by registered mail sent to his or her address as recorded in the records of the Secretary, at least twenty days before it is acted upon.

SECTION XV.

HONORARY AND CORRESPONDING MEMBERS.

The Board of Trustees may elect Honorary and Corresponding Members at any meeting, to each of whom the Secretary shall transmit a Diploma or Certificate of Election, under the seal of the Society, signed by the President and countersigned by the Secretary; and such members shall not be entitled to hold office or to vote at any meeting.

SECTION XVI.

PRIZES AND GRATUITIES.

Prizes and gratuities may be awarded by the Board of Trustees, or by such committees or judges as may be appointed by them for such purpose, to any person for the exhibition of any fruits, plants, flowers, or vegetables, either new of their kind or of uncommon excellence; or for any new and successful method of cultivating any variety of fruits, flowers, plants, trees, shrubs, or vegetables; or for any other object immediately connected with horticulture; or for the essential advancement of the objects of the Society in any other way. But no gratuity shall be awarded for any object which shall have been entered or exhibited for a prize. No award shall be made for any unworthy exhibit, and no gratuity given shall be of a larger amount than the lowest prize established for the same exhibit.

SECTION XVII.

AMENDMENTS.

Amendments to the By-Laws may be proposed in writing by any member of the Society to the Board of Trustees at any meeting of the Board of Trustees held at least two months before the next annual meeting of the Society, and, on being approved by a majority of the Board, shall be filed with the Secretary in their original form or as amended at least thirty days before such annual meeting, and shall subsequently be submitted to such annual meeting; or any twenty members may propose amendments to be acted upon at any annual meeting of the Society, without the approval of the Board of Trustees, by filing the amendments in writing with the Secretary thirty days at least before such annual meeting. The vote on each amendment shall be "Yes" or "No."

The Secretary shall, at least three weeks before the meeting at which the same are to be considered, mail a copy of every proposed amendment to each member of the Society at his last address appearing on the records of the Secretary.

All amendments proposed shall be printed on one ballot, with a space for voting "Yes" or "No" opposite each amendment, thus:—

If you wish the amendment adopted, put a cross under "Yes". If not, under "No."	YES	NO
(Here the subject of the amendment.)		

Any amendment shall be adopted if it receives two-thirds of the votes cast. The polls shall remain open for the purpose of voting on any proposed amendments for a period of at least three hours, and the voting shall be by Australian ballot.

LIBRARY OF CONGRESS



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LIBRARY OF CONGRESS



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